



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER OF
PATENTS AND TRADEMARKS
Washington, D.C. 20231

Hamilton, Brook, Smith & Reynolds
Two Militia Drive
Lexington, MA 02173-4799

COPY MAILED

MAR 12 1998

**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of	:
Walter H. Gunzburg et al.	:
Application No. 08/999,690	:
Filed: September 8, 1997	:
Attorney Docket No. GSF97-03	:

DECISION GRANTING
PETITION

This is a decision on the petition filed March 6, 1998, requesting that an application of Walter H. Gunzburg et al. entitled "VECTORS CARRYING THERAPEUTIC GENES ENCODING ANTIMICROBIAL PEPTIDES FOR GENE THERAPY" (attorney docket No. GSF97-03) be accorded a filing date of September 8, 1997.

Petitioners allege that the original application papers were deposited in Express Mail service on September 8, 1997, in accordance with the procedures set forth in 37 CFR 1.10 and that the application is entitled to the date of deposit in Express Mail service as the filing date. In support, petitioners have supplied a copy of the original application papers showing the Express Mail label No. EG978842034US thereon and a copy of Express Mail customer receipt No. EG978842034US displaying the September 8, 1997 date applied thereon by the United States Postal Service. Further, the petition is signed by Ann J. Collins, a registered practitioner, and includes a statement verifying the application papers filed on March 6, 1998, as a copy of the original correspondence.

In view of the above, the petition is granted. No petition fee is required and none has been charged.

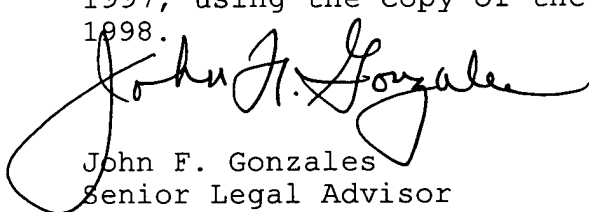
The application has been assigned application No. 08/999,690. The copy of the application supplied on March 6, 1998, will be used to process the application.

Applicant should notify this office if the original papers are subsequently discovered in the PTO so that the present duplicate

file can be merged with the original papers and any duplicate filing fee refunded.

Applicants are given **TWO MONTHS** from the date of this decision to pay the \$982.00 filing fee, to file a signed oath or declaration in compliance with 37 CFR 1.63 and to pay the \$130.00 surcharge set forth in 37 CFR 1.16(e) in order to avoid abandonment of the application. This time period may be extended pursuant to 37 CFR 1.136(a). The executed oath or declaration should identify the specification to which it is directed by reference to the above-identified application number and filing date. The response should be directed to the attention of Initial Patent Examination Division.

The application is being forwarded to Initial Patent Examination Division to await the filing fee, oath or declaration and surcharge and for further processing with a filing date of September 8, 1997, using the copy of the application papers supplied on March 6, 1998.



John F. Gonzales
Senior Legal Advisor
Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects
(703) 305-9282

JFG